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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-437

13 **RICHARD ALAN STEINER, JR.**
10071 Sparrow Avenue
Fountain Valley, CA 92708

FIRST AMENDED ACCUSATION

14 **Registered Nurse License No. 658088**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about May 27, 2005, the Board of Registered Nursing ("Board") issued
23 Registered Nurse License Number 658088 to Richard Alan Steiner, Jr. ("Respondent"). The
24 Registered Nurse License was in full force and effect at all times relevant to the charges brought
25 herein and will expire on November 30, 2014, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

7. Section 492 of the Code states, in pertinent part:

"Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest."

STATUTES

8. Section 2761 of the Code states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • • •

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional

1 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
2 action."

3 9. Section 2762 of the Code states:

4 "In addition to other acts constituting unprofessional conduct within the meaning of this
5 chapter it is unprofessional conduct for a person licensed under this chapter to do any of the
6 following:

7 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
8 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
9 administer to another, any controlled substance as defined in Division 10 (commencing with
10 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
11 defined in Section 4022.

12 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
13 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
14 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
15 himself or herself, any other person, or the public or to the extent that such use impairs his or her
16 ability to conduct with safety to the public the practice authorized by his or her license.

17

18 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
19 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
20 section."

21 **CONTROLLED SUBSTANCES**

22 10. Hydrocodone is a Schedule II controlled substance pursuant to Health and Safety
23 Code section 11055(b)(1)(I) and is a dangerous drug pursuant to Business and Professions Code
24 section 4022.

25 **COST RECOVERY**

26 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licensee found to have committed a violation or violations of
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
3 included in a stipulated settlement.

4 **FIRST CAUSE FOR DISCIPLINE**

5 (Unprofessional Conduct – Out of State Discipline)

6 12. Respondent is subject to disciplinary action under Code section 2761, subdivision
7 (a)(4) on the grounds of unprofessional conduct in that Respondent's registered nurse license was
8 disciplined by the Division of Occupational and Professional Licensing, Department of
9 Commerce, State of Utah ("Utah Division"), as follows:

10 13. On or about October 11, 2005, in a case entitled *In the Matter of the License of*
11 *Richard Steiner to Practice as a Registered Nurse in the State of Utah*, Case No DOPL 2005 –
12 244, the Utah Division issued an Order which adopted a Stipulation between the parties that
13 issued a \$1,000.00 fine to Respondent and revoked Respondent's registered nursing license,
14 stayed that revocation and placed the license on probation for five years, subject to terms and
15 conditions. Respondent admitted to the following facts and circumstances underlying the
16 Stipulation and Order, as follows:

17 (a) Respondent had a substance abuse problem that, if left untreated, would render
18 him unsafe to practice nursing.

19 (b) From June 2005 through August 17, 2005, Respondent took numerous units of
20 Hydrocodone from his employer, Coral Desert Rehabilitation in St. George, Utah, without
21 authorization and without a legal prescription. Respondent subsequently ingested the
22 Hydrocodone that he took.

23 (c) While employed at Coral Desert Rehabilitation, Respondent falsified patient
24 and medication administration records and forged another employee's signature.

25 (d) Respondent was terminated from his employment at Coral Desert
26 Rehabilitation for the conduct described in Paragraphs 13(a), 13(b), and 13(c).

27 14. On or about June 27, 2006, in a case entitled *In the Matter of the License of Richard*
28 *Steiner to Practice as a Registered Nurse in the State of Utah*, Case No DOPL 2006 – 145, the

1 Utah Division issued an Order which adopted a Stipulation between the parties in which
2 Respondent surrendered his license to practice as a registered nurse. Respondent admitted to the
3 following facts and circumstances underlying the Stipulation and Order, as follows:

4 (a) Respondent entered into a Stipulated and Order in DOPL Case No. 2005-244 in
5 which Respondent agreed to comply with the terms and conditions contained in the Stipulation.

6 (b) Respondent failed to comply with the Stipulation and Order in DOPL Case No.
7 2005-244 by:

8 (i) Failing to register with the Utah Division's drug testing contractor;

9 (ii) Failing to submit to drug testing;

10 (iii) Missing scheduled meetings with the Utah State Board of Nursing ("Utah
11 Board");

12 (iv) Neglecting to file self evaluation reports, employer evaluations, therapy
13 reports, professional support group attendance reports, and 12-step program reports with the Utah
14 Division and Utah Board;

15 (v) Failing to submit copies of his controlled substance prescriptions to the
16 Utah Board and the Utah Division;

17 (vi) Receiving controlled substance prescriptions from more than one
18 practitioner and filling those prescriptions at more than one pharmacy;

19 (vii) Failing to document that his employer had received a copy of the
20 Stipulation and Order; and

21 (viii) Failing to pay the fine ordered by the Utah Division.

22 **SECOND CAUSE FOR DISCIPLINE**

23 (Unprofessional Conduct – Drug Related Transgressions: Possession and Use)

24 15. Respondent is subject to disciplinary action under Code section 2762, subdivisions (a)
25 and (b) on the grounds of unprofessional conduct in that Respondent obtained and possessed
26 Hydrocodone in violation of the law and used Hydrocodone to an extent or in a manner
27 dangerous or injurious to himself, or the public, or to the extent that such use impaired his ability
28 to conduct with safety to the public the practice authorized by his license. Complainant

1 incorporates by reference the allegations set forth in Paragraphs 13(a) and 13(b) as though fully
2 set forth herein.

3 **THIRD CAUSE FOR DISCIPLINE**

4 (Unprofessional Conduct – Drug Related Transgressions: Falsification of Medical Records)

5 16. Respondent is subject to disciplinary action under Code section 2762, subdivision (e)
6 on the grounds of unprofessional conduct in that Respondent made false entries in a hospital,
7 patient, or other record pertaining to controlled substances. Complainant incorporates by
8 reference the allegations set forth in Paragraphs 13(b) and 13(c) as though fully set forth herein.

9 **DISCIPLINE CONSIDERATIONS**

10 17. To determine the degree of discipline, if any, to be imposed on Respondent,
11 Complainant alleges that on or about September 14, 1994, in a prior criminal proceeding entitled
12 *People of the State of California v. Richard Alan Steiner* in San Bernardino Superior Court, Case
13 Number MWV012550, Respondent pleaded guilty to one misdemeanor count of violating Penal
14 Code section 148.9(a) [falsely representing self as another person to peace officer] and was
15 ordered to serve 3 days in jail. The record of the criminal proceeding is incorporated as if fully
16 set forth herein.

17 18. To determine the degree of discipline, if any, to be imposed on Respondent,
18 Complainant alleges that on or about April 6, 1994, in a prior criminal proceeding entitled *People*
19 *of the State of California v. Richard Allen Steiner* in San Bernardino Municipal Court, Case
20 Number FWV03014, Respondent pleaded guilty to one felony count of violating Health and
21 Safety Code section 11377(a) [possession of a controlled substance]. The Court ordered
22 Respondent to complete a one year deferred entry of judgment program, which Respondent did
23 complete. The record of the criminal proceeding is incorporated as if fully set forth herein.

24 **PRAYER**

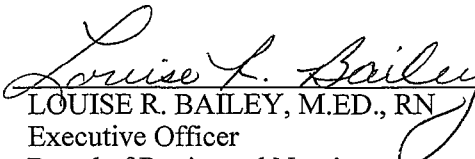
25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Registered Nursing issue a decision:

27 1. Revoking or suspending Registered Nurse License Number 658088, issued to Richard
28 Alan Steiner, Jr.;

1 2. Ordering Richard Alan Steiner, Jr. to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3; and

4 3. Taking such other and further action as deemed necessary and proper.

5
6 DATED: MAY 15, 2013


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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